

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES HENRY CASTILLO,

Petitioner

v.

DAVID J. EBBERT, et al.,

Respondent

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3:18-CV-01550  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 3rd DAY OF SEPTEMBER, 2020, upon review of Chief Magistrate Judge Schwab's Report and Recommendation ("R&R") (Doc. 26) for clear error or manifest injustice,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 26) is **ADOPTED** for the reasons set forth therein.
2. Petitioner Charles Henry Castillo's Petition for Writ of Habeas Corpus Under 28

U.S.C. § 2241 is **DENIED**.

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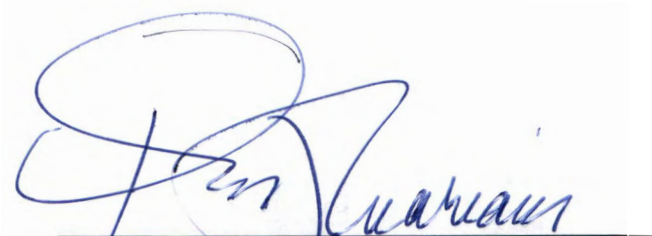
<sup>1</sup> Chief Magistrate Judge Schwab filed the present R&R on April 9, 2019. Petitioner subsequently filed three motions for extension of time to file Objections (Docs. 27, 31, 34), all of which were granted by this Court (Docs. 29, 33, 35). Petitioner thereafter filed a "Motion for Stay or Continuance until Castillo Arrive at his New Address" (Doc. 36), stating that he would be transferred to a different prison on July 17, 2019, and that such transfer may take 1-3 months. The docket reflects that Petitioner updated his address on August 5, 2019, with a "temporary address" (Doc. 38) and, on January 21, 2020, provided a new address to the Court and requested that the stay be lifted (see Doc. 39).

Although the time for Petitioner to file Objections had passed, on February 4, 2020, to ensure Petitioner was afforded every ability to file any objection he may have to the pending R&R, the Court ordered Petitioner to file any Objections within 30 days of the date of its Order (Doc. 41).

Despite this R&R being pending for well-over one year and the numerous extensions of time and opportunities given by this Court to Petitioner to file any Objections he may have, as of the date of this Order, Petitioner has failed to file any Objections or other documents of record. The Court thus applies a clear error or manifest injustice standard in evaluating the R&R.

3. A Certificate of Appealability **SHALL NOT ISSUE**.

4. The Clerk of Court is directed to **CLOSE** this case.



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Robert D. Mariani  
United States District Judge